

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 14, 2002

H021112 PEOPLE v. DURAN

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed January 14, 2002

TUESDAY, JANUARY 15, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; O'Farrell, J.*; and W. Magsaysay, Deputy Clerk.

*Judge of the Monterey County Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H020839 PEOPLE v. ENGLAND

Cause called and argued by William Robinson appearing for Appellant and by Eric D. Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022129 PRICE, et al. v. LO DUCA

Cause called and argued by Russell Hanlon appearing for Appellant and by Morris Bisted appearing for Respondents. Additional briefing is allowed. Both parties may submit simultaneous letter briefs not exceeding 5 pages in length on or before January 22, 2002, at which time cause is deemed submitted; or if no letter briefs are filed, cause is deemed submitted as of January 22, 2002.

H022777 BOUR v. SRI INTERNATIONAL

Cause called and argued by Craig Stewart appearing for Appellant and by Frank Mayo appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, January 15, 2002 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P. J.; Wunderlich, J.; O'Farrell, J.*; and R. W. Norvelle, Deputy Clerk. *Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H022655 PEOPLE v. RANGER INSURANCE COMPANY

Cause called and argued by E. Alan Nunez appearing for Appellant by Joseph Thibodeaux, Deputy District Attorney, appearing for the Amicus Curiae on behalf of Respondent and by Harrison D. Taylor, Deputy County Counsel appearing for Respondent. Cause ordered submitted.

H020771 MEJIA v. REED, et al.

Cause called and argued by John H. Blake appearing for Appellant and by Gary L. Olimpia appearing for Respondents. Cause ordered submitted.

H021364 RODRIGUEZ v. ORBIT SEMICONDUCTOR, INC., et al.

Cause called and argued by Mark B. Freschi appearing for Appellant and by Felicia R. Reid appearing for Respondents. Cause ordered submitted.

H021593 RODRIGUEZ v. ORBIT SEMICONDUCTOR, INC., et al.

Cause called and argued by James Gunderson appearing for Appellant and by Felicia R. Reid appearing for Respondents. Cause ordered submitted. Court adjourns.

H021290 PEOPLE v. LAZAREVICH

By the Court:

Respondent's petition for rehearing is denied.
(Bamattre-Manoukian, Acting P.J., Wunderlich, J. and O'Farrell, J.* participated in this decision.)

Filed: January 15, 2002

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Tuesday, January 15, 2002 (continued)

H022993 DFCS v. TRACY J.

The order is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed January 15, 2002

H021532 PEOPLE v. ALEXANDER

The judgment is reversed. The matter is remanded for a determination of the truth of the prior prison term enhancement allegation, and for resentencing in accordance with the results of the proceedings on remand. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed January 15, 2002

H019359 KAPUSI v. FREEMAN, et al.

By the Court*:

Appellant Freemans' petition for rehearing is denied.
Filed: January 15, 2002
*Before Premo, Acting P.J., Elia, J. and Mihara, J.

WEDNESDAY, JANUARY 16, 2002

H021658 PEOPLE v. VILLANUEVA

The judgment is reversed. The matter is remanded for the limited purpose of the preparation and forwarding to the Department of Corrections a minute order and amended abstract of judgment indicating that a four-year sentence was imposed and stayed on the firearm use enhancement on count 3. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)
Filed January 16, 2002
*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021555 PEOPLE v. FARQUHAR

The judgment in S9-08268 is affirmed. The judgement in S8-08856 is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)
Filed January 16, 2002
*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

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Wednesday, January 16, 2002 (continued)

H022224 PEOPLE v. DAILEY

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
O'Farrell,, J.*)

*Judge of the Monterey Superior Court assigned by the Chief
Justice pursuant to Article VI, Section 6 of the California
Constitution.

Filed January 16, 2002

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Premo, Acting
P.J.; Elia, J.; Mihara, J.; and Judy Benitez, Deputy Clerk.

H022395 PEOPLE v. OREGEL

Cause called and argued by Alexander Lambrous appearing for
Appellant and by Morris Lenk, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H021409 PEOPLE v. GUERRERO

Cause called and argued by Catherine White appearing for
Appellant and by Ryan McCarroll, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

H021877 PEOPLE v. LYON

Cause called and argued by Todd Hornik, Deputy District
Attorney, appearing for Appellant and by Michael Kresser
appearing for Respondent. Cause ordered submitted.

H022030 WILDE v. THE SOUTHLAND CORP., et al.

Cause called and argued by Daniel Kaylor appearing for
Appellant and by Michael D. Abraham appearing for Respondents
Southland Corp., et al. and by David R. Sidran appearing for
Respondents Trinh, et al. Cause ordered submitted.

H021484 RUSSEL, et al. v. Reilly, et al.

Cause called and argued by Michael G. Briski appearing for
Appellants and by Mark Strombotne appearing for Respondents.
Cause ordered submitted. Court adjourns until the 1:30 p.m.
calendar.

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Sixth Appellate District
San Jose, California

Wednesday, January 16, 2002 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P. J.; Elia, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H020167 PEOPLE v. GALLOWAY

Cause called and argued by Katarzyna Kozik appearing for Appellant and by Sharon Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021600 PEOPLE v. WALKER

Cause called and argued by Barry Karl appearing for Appellant and by Matthew Boyle, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022198 PEOPLE v. MENDOZA

Cause called and argued by Sandra Gillies appearing for Appellant and by John Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021888 PATEL, et al. v. CITY OF GILROY

H021889 CITY OF GILROY v. LEAVESLEY OCEAN-INN INVESTORS, et al.

H021900 CITY OF GILROY v. PATEL, et al.

Causes called and argued by Frank Weiser appearing for Appellants and by Jolie Houston appearing for Respondent. Causes ordered submitted. Court adjourns.

THURSDAY, JANUARY 17, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; O'Farrell, J.*; and Judy Benitez, Deputy Clerk.

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H022982 PEOPLE v. JOHN R.

Cause called and argued by Brian Hong appearing for Appellant and by Sharon Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021678 MITCHELL v. INTEGRETTEL, INC., et al.

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Cause called and argued by William N. Woodson appearing for Appellant and by Linda A. Tripoli appearing for Respondents. Cause ordered submitted.

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Thursday, January 17, 2002 (continued)

H021261 BROTHERS v. CYLINK CORPORATION, et al.

Cause called and argued by Nora Rousso appearing for Appellant and by James E. Boddy appearing for Respondents. Cause ordered submitted.

H020803 OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF BEAVER WINE, N.J., INC. v. FRANK-LIN DISTILLERS PRODUCTS, INC.

Cause called and argued by Jack Friedenthal appearing for Appellant and by Mark G. Bonino appearing for Respondent. Cause ordered submitted. Court is adjourned.

H021354 PEOPLE v. VILLARTA

The \$200 restitution fine imposed pursuant to Penal Code section 1202.45 is stricken. As modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed January 17, 2002

H021710 PEOPLE v. SAGHARI

The judgment is affirmed. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

Filed January 17, 2002

H023020 MONTEREY CO. DEPARTMENT OF SOCIAL SERVICES v. IRENE S.

H023623 IRENE S. on Habeas Corpus

The juvenile court's dispositional order, its order denying reunification services and its referral order are affirmed. Irene's petition for a writ of habeas corpus is summarily denied. The juvenile court's order terminating parental rights is reversed, and the matter is remanded for a new permanency planning hearing at which the juvenile court shall reconsider whether termination of parental rights is appropriate in light of the children's current circumstances. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed January 17, 2002

In The Court Of Appeal Of The State Of California 14
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San Jose, California

Thursday, January 17, 2002 (continued)

H020613 PEOPLE v. NEVES

H023188 NEVES On Habeas Corpus

The judgment of conviction is modified to impose a restitution fine (§ 1202.4, subd. (b)) of \$1200 and to impose a parole revocation fine (§ 1202.45) of \$1200, suspended unless parole is revoked. As modified, the judgment is affirmed. The trial court is directed to correct the abstract of judgment to accurately reflect the judgment as modified and to forward the amended abstract to the Department of Corrections. The petition for habeas corpus is denied. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed January 17, 2002

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

FRIDAY, JANUARY 18, 2002

H021290 PEOPLE v. LAZAREVICH

By the Court:

The written opinion filed on December 20, 2001, is certified for publication. (O'Farrell, J.*; Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

The written opinion filed on December 20, 2001, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports.

Dated: January 18, 2002 Bamattre-Manoukian, Acting P.J.

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021375 PEOPLE v. TON

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed January 18, 2002

H022185 PEOPLE v. HILL

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Sixth Appellate District

San Jose, California

*Judge of the Monterey County Superior Court assigned by the
Chief Justice pursuant to Article VI, Section 6 of the California
Constitution.

Filed January 18, 2002

In The Court Of Appeal Of The State Of California 16
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San Jose, California

Friday, January 18, 2002 (continued)

H021797 LIN, et al. v. STANFORD HEALTH SERVICES

The judgment is affirmed. Costs on appeal to Stanford. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Filed January 18, 2002

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.